

SENIOR DISTRICT JUDGE ROBERT J. BRYAN
MAGISTRATE JUDGE DAVID W. CHRISTEL

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

BERNARDINO GINO SANDOVAL,

Plaintiff,

v.

MIKE R OBENLAND, et al.,

Defendants.

NO. 3:17-cv-05667-RJB-DWC

DEFENDANTS' ANSWER TO
PLAINTIFF'S CIVIL RIGHTS
COMPLAINT AND JURY DEMAND

The Defendants, SANDRA DIIMMEL, SCOTT FRAKES, MIKE OBENLAND, STEPHEN SINCLAIR, BELINDA STEWART, BERNARD WARNER, and DEPARTMENT OF CORRECTIONS respectfully file the following Answer to Plaintiff's Complaint. ECF No. 1.

Under Federal Civil Rule 8(b), Defendants generally deny each allegation of fact in the Plaintiff's Complaint unless the allegation of fact is expressly admitted. Defendants will not respond to legal arguments contained in the Plaintiff's Complaint and will deny them if it is unclear if the Plaintiff is asserting a factual or legal claim.

I. PREVIOUS LAWSUITS

Defendants are without knowledge to answer this section of the Plaintiff's Complaint and therefore deny the same.

II. PLACE OF CONFINEMENT

Defendants admit Plaintiff is not currently incarcerated. Defendants admit Plaintiff filed grievances related to the claims in his complaint.

III. PARTIES TO THIS COMPLAINT

Defendants admit they have been named in their official capacity as parties to the Plaintiff's Complaint.

IV. STATEMENT OF CLAIMS

Defendants admit Plaintiff filed kites and grievances related to the claims in his Complaint. Defendants assert those records speak for themselves. Defendants admit DOC Policy 590.200, Offender Marriages and State Registered Domestic Partnerships, provides processes and procedures for inmates who seek marriage applications while incarcerated. Defendants admit that previously the policy required that the intended spouse be on the inmate's approved visitor list. Defendants admit Plaintiff was transferred from Clallam Bay Corrections Center on July 30, 2014 and was seen by mental health clinicians while at the Coyote Ridge Corrections Center. Defendants assert those records speak for themselves. Defendants deny the remaining allegations listed in this section of the complaint.

V. RELIEF

Defendants deny Plaintiff is entitled to any of the relief set forth in this section of the Complaint.

VI. AFFIRMATIVE DEFENSES

Having answered the allegations of Plaintiff's Complaint, and by way of further answer and affirmative defense, Defendants affirmatively allege:

1. Plaintiff has failed to state a claim upon which relief can be granted, because he has not alleged facts that rise to the level of a civil rights violation under 42 U.S.C. § 1983.

2. All acts allegedly done by the Defendants with respect to Plaintiff were done in the reasonable belief that they were in accordance with the Federal Constitution, and the laws

1 of the state of Washington and the United States. Defendants also acted pursuant to published
2 policies and field instructions, which they could have reasonably believed were constitutional.
3 Defendants are entitled to qualified immunity from damages.

4 3. Plaintiff's injunctive relief claims are moot.

5 4. Defendants reserve the right to allege additional affirmative defenses after the
6 completion of discovery.

7 **VII. JURY DEMAND**

8 Should this matter proceed to trial, Defendants demand that a jury determine all
9 issues of fact.

10 RESPECTFULLY SUBMITTED this 31st day of January, 2018.

11 ROBERT W. FERGUSON
12 Attorney General

13
14 s/ Candie M. Dibble
15 CANDIE M. DIBBLE, WSBA #42279
16 Assistant Attorney General
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CERTIFICATE OF SERVICE

I hereby certify that I caused the foregoing Defendants' Answer to Plaintiff's Civil Rights Complaint and Jury Demand to be electronically filed with the Clerk of the Court using the CM/ECF system, and I certify that I mailed by United States Postal Service the document to the following non CM/ECF participants:

BERNADINO G. SANDOVAL
22828-108TH AVENUE SE
KENT, WA 98031

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

DATED this 31st day of January, 2018, at Spokane, Washington.

s/ Patty Willoughby

PATTY WILLOUGHBY

Legal Assistant III

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